

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DWIGHT JOHN,
Petitioner,

v.

EDWARD FICCO,
Respondent.

Civil Action No. 05-11653-WGY

**MOTION TO SUBSTITUTE
LOIS RUSSO FOR EDWARD FICCO AS RESPONDENT**

Pursuant to Rule 2(a) of the Rules Governing Section 2254 Proceedings for the United States District Courts, undersigned counsel hereby respectfully moves the Court to substitute Lois Russo for Edward Ficco as the respondent in the above-captioned matter. Pursuant to Rule 2(a), only the superintendent of the institution where the petitioner is incarcerated may be properly named as a respondent. *See* 28 U.S.C. § 2254 Rule 2(a). Presently, the superintendent of Souza-Baranowski Correctional Center, where the petitioner is held, is Lois Russo. Consequently, undersigned counsel respectfully requests that this Court substitute Lois Russo for Edward Ficco as the respondent.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL

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Dated: September 9, 2005

Certificate of Service

I, Daniel I. Smulow, hereby certify that on September 9, 2005, I served a true copy of this document by first class mail to counsel for the petitioner: James Lawson, Esq., 20 Park Plaza, Suite 905, Boston, MA 02116.

/s/ Daniel I. Smulow